

REMARKS

This Preliminary Amendment seeks to place this application in condition for allowance. New claims 178-186 have been added to more fully claim Applicant's invention. Several of the pending claims have been amended. No new matter has been added. In this regard, support may be found, for example, at page 22, line 11, to page 24, line 2, and page 27, lines 1-24 of the specification.

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicants' submit concurrently herewith an Information Disclosure Statement (IDS) including modified Form PTO-1449. A copy of that IDS and modified Form PTO-1449 are attached hereto.

Some of the documents listed in the PTO-1449 have been cited by a defendant in an action pending in U.S. District Court For Eastern District of Virginia case, namely in Rambus Inc. v. Infineon Technologies A.G., et al., as prior art against the inventions claimed in, among other patents, U.S. 6,034,918. The '918 patent is a parent of the instant application. Reference to these documents are listed on page 2 of the Defendants' AMENDED PRIOR ART NOTICE PURSUANT TO 35 U.S.C. §282 (hereinafter 'PRIOR ART NOTICE'). A copy of the PRIOR ART NOTICE is included with the IDS submission.

Furthermore, the construction or interpretation of a number of terms have recently been considered in a *Markman* opinion issued in the above-mentioned litigation. A number of claims pending in the instant application incorporate or incorporated some of these terms including, for example, the terms "block size", "write request", and "bus". The term "write request" has been deleted from the pending claims (as amended). The term "bus" has been deleted from some of the pending claims (as amended). A discussion of "block size" may be found on pages 41-47 of the *Markman* opinion, and a discussion of "bus" may be

found on pages 17-41 of the *Markman* opinion. By submission of this *Markman* opinion, Applicants make no statement as to the correctness of the constructions set forth therein. Indeed, as is apparent from that opinion, the court substantially adopted the constructions proposed by Infineon, and not that construction proposed by Rambus. A copy of the *Markman* opinion is also included with the IDS submission.

CONCLUSION

Applicants request entry of the foregoing amendment. Applicants submit that all of the claims present patentable subject matter which definitely set forth the novel and unobvious features of Applicants' invention. Accordingly, Applicants respectfully request allowance of all of the claims.

It is noted that should a telephone interview expedite the prosecution in any way, the Examiner is invited to contact Neil Steinberg at 650-947-5325.

Respectfully submitted,

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